

Town of Holderness

2014 Zoning Amendments Recommended by the Planning Board

(The question is written as it will be placed on the ballot. The text, which will not be on the ballot, is shown with deleted language as ~~strike through~~ text and changes or additions shown in *italic print*. The Intent and Public Information explains the reasoning by the Board for the amendment proposal.)

1. Are you in favor of the adoption of Amendment No. 1 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amend Section 400.6.3.1: Flashing Signs: to clarify and expand the portion of the ordinance addressing the use of flashing and electronic signs.

~~No sign shall be intermittently illuminated, nor be of a traveling light type, nor be animated or flashing, except such portions of a sign as consist solely of indicators of time or temperature or both. Except as indicated below, no sign shall be intermittently illuminated, nor be of a traveling light type, nor be animated or flashing, including electronic message board signs, signs that rotate, or otherwise create movement and internally lit, such as, but not limited to, neon signs on the outside of buildings or visible through windows; the exceptions are such portions of a sign as consist solely of indicators of time or temperature or both and electronic gas station fuel price display signs with a maximum number height of 8.5".~~

Intent and Public Information: to clarify and expand on the use of electronic flashing and electronic message signs.

2. Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amend Section 400.8.2: to clarify that setback requirements for septic tanks and leach fields also apply to rivers and clarify the setback reference line

400.8.2: No septic tank shall be constructed or placed within seventy-five (75) feet of any domestic water supply, lake or pond ~~high water~~ *reference line* or *river* or stream *ordinary high water line* or wetland. No leach field or any other septic disposal system shall be constructed or placed within one hundred twenty-five (125) feet of any domestic water supply, lake or pond reference line, *river or stream ordinary high water line* or wetland.

Intent and Public Information: to include rivers in which a setback is required and to clarify the reference line to be used when measuring the setback distance from.

3. Are you in favor of the adoption of Amendment No. 3 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amend Section 700.3.1: Lots: to replace the phrase *cubic footage* with *living area square footage*.

700.3.1: *Owners who are proposing to increase Any structure-increasing cubic living area square footage which are located on nonconforming lots must also provide the Selectmen and Health Officer with a septic site assessment done by a permitted subsurface sewer or waste disposal system designer and provide evidence that the septic system complies with RSA 485-A:38.*

Intent and Public Information: To allow the expansion of a structure located on non-conforming lots that may be increasing cubic footage of a structure but not living area square footage providing all other regulations are met.

4. Are you in favor of the adoption of Amendment No. 4 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amend Section 1100.1 Expedited Septic System Repair or Replacement: to change the process for approving an expedited septic system repair or replacement.

1100.1.1: ~~Expedited Septic System Repair or Replacement: Existing septic systems, that have failed, that cannot meet present zoning requirements may be repaired or replaced upon receiving the written approval of the Chairman of the Board of Selectmen, the Chairman of the Planning Board, and the Chairman of the Zoning Board of Adjustment or their designee(s). The Health Officer shall provide a recommended course of action to each of the Chairmen within three working days of receiving the application for the system. The Chairmen shall submit their reply to the board of Selectmen within five days of receiving the Health Officer's recommendations. Upon receipt of the written approval the Selectmen, or their designee, shall expedite the issuance of a building permit. If the location of the replacement system cannot practicably meet the requirements of this ordinance the permit may be issued without a variance. Should any of the Chairmen not approve of the repair or replacement, the applicant will have to proceed with the normal course of action as outlined in the zoning ordinance. This "emergency action" does not negate the need for the applicant to adhere to all applicable State of New Hampshire requirements. (3/94)~~

After inspection and confirmation of failure by the Health Officer, existing septic systems that have failed and which the Compliance Officer certifies cannot be located elsewhere on the property meeting present zoning requirements may be repaired or replaced in their existing location without approval of the Zoning Board of Adjustment. All failed septic systems that are being relocated on the property and cannot meet present zoning requirements are required to receive approval from the Zoning Board of Adjustment for all variances prior to construction. The Zoning Board of Adjustment shall hold a hearing to consider the required septic system variances within 14 calendar days of receipt of an application. This "emergency action" does not negate the need for the applicant to adhere to all applicable State of NH requirements. Upon receipt of approval from the Zoning Board of Adjustment the Selectmen or their designee shall expedite the issuance of a building permit for the new system.

Intent and Public Information: This amendment will no longer allow for the repair or replacement of a failed septic system with a new non-conforming system without a variance unless the new system is located in the same location as the existing system. It also provides for

the Zoning Board of Adjustment to have a hearing within fourteen days of receipt of a variance application.

5. Are you in favor of the adoption of Amendment No. 5 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amend Section 1300 Definitions: Expansion – to replace the phrase *cubic footage* with *living area square footage* and clarify expansion of use.

Expansion –

1. For structures any increase in height, width, length, ~~cubic footage~~, *living area square footage*, above or below ground. This includes, but is not limited to, porches, decks, roof overhangs, patios, and basements/cellars.
2. Expansion of use shall be any *use that* increases ~~in~~ the impact *of* that ~~the use may cause~~ to the inhabitants of the Town or the Town itself not limited to but including traffic (both human and vehicle), waste disposal (both solid and septage), water withdrawal, and municipal services. The Planning Board shall be the determiner of whether there is or is not an increase in the impact of the use.

Intent and Public Information: This amendment removes cubic footage from the definition of expansion of a structure and replaces it with living area square footage. This will eliminate a need for a variance if a structure is being expanded in cubic area but to expanding the living area square footage. This amendment also changes the definition of expansion of use by stating that any increase impact to the inhabitants of the Town is an expansion of use by deleting the words “may cause”.

6. Are you in favor of the adoption of Amendment No. 6 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amend Section 1300 Definitions: Structure – To exclude fences 6’ high or lower from the definition.

Structure – Anything constructed or erected using materials or a combination of materials, including signs, the use of which requires location on the ground or attachment to something having location on the ground. A structure shall also include subsurface mechanisms such as, but not limited to, septic systems, swimming pools, and wells.
Fences that are 6’ in height or lower are excluded.

Intent and Public Information: This amendment is to clarify that fences that are 6’ high or lower are not considered structures for the purposes of front, side and rear property line setbacks and therefore can be located within the setback unless prohibited somewhere else in the ordinance.